

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

DAVID BUTTROSS d/b/a FL20, INC.,

Plaintiff,

v.

GREAT LAKES INSURANCE SE, et al.,

Defendants.

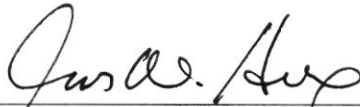
No. 1:22-CV-086-H-BU

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation (FCR) that defendant Gloria Valdez's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. No. 6) be granted. Dkt. No. 11. No objections were filed. The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

Briefly, the Court confirms its jurisdiction. The FCR notes the motion's failure to address improper joinder and subject matter jurisdiction but refrained from a full-scale analysis. Dkt. No. 11 at 6 n.4. The Fifth Circuit very recently decided *Advanced Indicator*, in which it expressly held that, as long as the Section 542.006 election is made before removal, an in-state agent subject to such an election is improperly joined. *Advanced Indicator and Mfg., Inc. v. Acadia Ins. Co.*, 50 F. 4th 469, 474 (5th Cir. Oct. 3, 2022). Because this case is squarely within the facts of *Advanced Indicator*, the Court has jurisdiction. The FCR is accepted and adopted.

So ordered on November 7, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE

A handwritten signature, "James W. Hendrix", is written above a horizontal line. Below the line, the name "JAMES WESLEY HENDRIX" and the title "UNITED STATES DISTRICT JUDGE" are printed. A long, thin arrow points from the signature down towards the center of the page.